

**Introduced by Senator Scott**

February 15, 2006

---

An act to amend Section 44253.10 of the Education Code, relating to teaching credentials.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1292, as introduced, Scott. Teachers: limited-English-proficient pupils.

Existing law permits a teacher with a basic teaching credential to be assigned to provide specially designed content instruction delivered in English, as defined, to limited-English-proficient pupils only if certain conditions are met, including that the teacher be, as of January 1, 1999, a permanent employee of a school district, a county office of education, or a school administered under the authority of the Superintendent of Public Instruction and that the teacher complete, before January 1, 2008, 45 clock hours of staff development in methods of specially designed content instruction delivered in English. Existing law requires the Commission on Teacher Credentialing to file a related report with the Legislature by December 4, 2007.

This bill would include a designated subjects and a services credential with a special class authorization within the meaning of the term, "basic credential." The bill would delete the requirement that a teacher of limited-English-proficient pupils be a permanent employee of a school district, a county office of education, or a school administered under the authority of the Superintendent of Public Instruction. The bill would extend the January 1, 2008, deadline for the completion by one of those teachers of the required staff development to January 1, 2012.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44253.10 of the Education Code is  
2 amended to read:  
3 44253.10. (a) A teacher with a basic teaching credential may  
4 be assigned to provide specially designed content instruction  
5 delivered in English, as defined in subdivision (b) of Section  
6 44253.2, to limited-English-proficient pupils ~~only if the~~  
7 ~~following conditions are met: if~~  
8 ~~(1) The teacher, as of January 1, 1999, is a permanent~~  
9 ~~employee of a school district, a county office of education, or a~~  
10 ~~school administered under the authority of the Superintendent of~~  
11 ~~Public Instruction, or was previously a permanent employee and~~  
12 ~~then was employed in any California public school district within~~  
13 ~~39 months of the previous permanent status, or has been~~  
14 ~~employed in a school district with an average daily attendance of~~  
15 ~~not more than 250 for at least two years.~~  
16 ~~(2) The~~ *the* teacher completes 45 clock hours of staff  
17 development in methods of specially designed content instruction  
18 delivered in English prior to January 1, ~~2008~~ 2012. The extension  
19 of the date by which a teacher is required to complete this staff  
20 development may not be construed as authorizing teachers to  
21 teach limited-English-proficient pupils without a certificate  
22 issued pursuant to this section or Sections 44253.3 and 44253.4.  
23 *(b) For purposes of this section, a basic teaching credential*  
24 *shall include a designated subjects credential and a services*  
25 *credential with a special class authorization.*  
26 ~~(b)~~  
27 *(c) The commission, in consultation with the Superintendent*  
28 ~~of Public Instruction,~~ shall establish guidelines for the provision  
29 of staff development pursuant to this section. ~~The commission~~  
30 ~~and the superintendent shall use their best efforts to establish~~  
31 ~~these guidelines as soon as possible, but in no event later than~~  
32 ~~January 1, 1996.~~ Staff development pursuant to this section shall  
33 be consistent with the commission's guidelines.  
34 (1) To ensure the highest standards of program quality and  
35 effectiveness, the guidelines shall include quality standards for

1 the persons who train others to perform staff development  
2 training and for those who provide the training. The guidelines  
3 may require that teachers who qualify to provide instruction  
4 pursuant to paragraph (1) of subdivision ~~(d)~~ (e) include a portion,  
5 within the total 45 clock hours of training provided in paragraph  
6 ~~(2)~~ of subdivision (a), in English language development.

7 (2) The guidelines for training to meet the requirements of  
8 paragraph (1) of subdivision ~~(d)~~ (e) may provide for 20 hours, or  
9 fewer hours as the commission may specify, of training in any  
10 aspect of English language development or specially designed  
11 content instruction delivered in English.

12 (3) The guidelines shall require that the staff development  
13 offered pursuant to this section be aligned to the teacher  
14 preparation leading to the issuance of a certificate pursuant to  
15 Section 44253.3 and any amendments made to that section. This  
16 alignment, however, may not result in any increase in the number  
17 of hours of staff development necessary to meet the requirements  
18 of this section.

19 (4) The guidelines and standards established by the  
20 commission to implement this section shall require and maintain  
21 compliance with any requirements mandated by federal law for  
22 purposes of assuring continued federal financial assistance.

23 (5) The commission shall review staff development programs  
24 in relation to the guidelines and standards established pursuant to  
25 this section. The review shall include all programs offered  
26 pursuant to this section except programs previously approved  
27 pursuant to subdivision ~~(e)~~ (d). If the commission finds that a  
28 program meets the applicable guidelines and standards, the  
29 commission shall forward a report of its findings to the chief  
30 executive officer of the sponsoring school district, county office  
31 of education, or regionally accredited college or university. If the  
32 commission finds that a program does not meet the applicable  
33 guidelines or standards, or both, the report of the commission  
34 shall specify the areas of noncompliance and the time period in  
35 which a second review shall occur. If a second review of a  
36 program by the commission reveals a pattern of continued  
37 noncompliance with the applicable guidelines or standards, or  
38 both, the sponsoring agency shall not offer the program to  
39 teachers who have not already enrolled in it. ~~The effective date~~  
40 ~~for California Commission on Teacher Credentialing approval of~~

1 staff development programs not currently approved as of January  
2 1, 2000, shall be on or before January 1, 2002, except for persons  
3 already enrolled in programs by January 1, 2002.

4 (6) By December 4, 2007, the commission shall report to the  
5 Legislature on the status of the 45-hour and the 90-hour  
6 alternative programs, including the strengths and weaknesses of  
7 the process and programs. In preparing the report, the  
8 commission shall include a summary of its review pursuant to  
9 paragraph (5) of the staff development programs.

10 ~~(e)~~

11 (d) The staff development may be sponsored by any school  
12 district, county office of education, or regionally accredited  
13 college or university that meets the standards included in the  
14 guidelines established pursuant to this subdivision or any  
15 organization that meets those standards and is approved by the  
16 commission. Any equivalent three semester unit or four quarter  
17 unit class may be taken by the teacher at a regionally accredited  
18 college or university to satisfy the staff development requirement  
19 described in either subdivision (a) or ~~(d)~~ (e), or both. ~~Once After~~  
20 the commission has made a determination that a college or  
21 university class is equivalent, no further review of the class shall  
22 be required pursuant to paragraph (5) of subdivision ~~(b)~~ (c),  
23 regardless of the date of the initial review.

24 ~~(d)~~

25 (e) (1) A teacher who completes the staff development  
26 described in subdivision (a) shall be awarded a certificate of  
27 completion of staff development in methods of specially  
28 designed content instruction delivered in English.

29 (2) A teacher who completes the staff development described  
30 in subdivision (a) may provide specially designed content  
31 instruction delivered in English, as defined in subdivision (b) of  
32 Section 44253.2, and instruction for English language  
33 development, as defined in subdivision (a) of Section 44253.2, in  
34 any departmentalized teaching assignment consistent with the  
35 authorization of the teacher's basic credential. This authorization  
36 also applies to teachers who completed the required staff  
37 development before the effective date of the amendments made  
38 to this section by the act adding this authorization.

39 (3) A teacher who completes the staff development described  
40 in subdivision (a) may not be assigned to provide content

1 instruction delivered in the pupil's primary language, as defined  
2 in subdivision (c) of Section 44253.2.

3 (4) A teacher who completes the staff development described  
4 in subdivision (a) may be assigned to provide instruction for  
5 English language development, as defined in subdivision (a) of  
6 Section 44253.2, in a self-contained classroom under either of the  
7 following circumstances:

8 (A) The teacher has taught for at least nine years in California  
9 public schools, certifies that he or she has had experience or  
10 training in teaching limited-English-proficient pupils, and  
11 authorizes verification by the entity that issues the certificate of  
12 completion. The teacher shall be awarded a certificate of  
13 completion in methods of instruction for English language  
14 development in a self-contained classroom.

15 (B) The teacher has taught for less than nine years in  
16 California public schools, or has taught for at least nine years in  
17 California public schools but is unable to certify that he or she  
18 has had experience or training in teaching  
19 limited-English-proficient pupils, but has, within three years of  
20 completing the staff development described in subdivision (a),  
21 completed an additional 45 hours of staff development, including  
22 specially designed content instruction delivered in English and  
23 English language development training, as set forth in the  
24 guidelines developed pursuant to subdivision ~~(b)~~ (c). Upon  
25 completion of this additional staff development, the teacher shall  
26 be awarded a certificate of completion in methods of instruction  
27 for English language development in a self-contained classroom.

28 ~~(e)~~

29 (f) During the period in which a teacher is pursuing the  
30 training specified in ~~paragraph (2) of~~ subdivision (a) or  
31 ~~subdivision (d)~~ (e), or both, including the period for the  
32 assessment and awarding of the certificate, the teacher may be  
33 provisionally assigned to provide instruction for English  
34 language development, as defined in subdivision (a) of Section  
35 44253.2, or to provide specially designed content instruction  
36 delivered in English, as defined in subdivision (b) of Section  
37 44253.2.

38 ~~(f)~~

39 (g) (1) A teacher who completes the staff development with  
40 any provider specified in subdivision ~~(e)~~ (d), and who meets the

1 requirements of subdivision (a) or ~~(d)~~ (e) for a certificate of  
2 completion of staff development in methods of specially  
3 designed content instruction delivered in English or English  
4 language development in a self-contained classroom, or both,  
5 shall be issued the certificate or certificates.

6 (2) A teacher who completes a staff development program in  
7 methods of specially designed content instruction delivered in  
8 English or English language development in a self-contained  
9 classroom, or both, who has been determined by the commission  
10 to meet the applicable guidelines and standards, pursuant to  
11 paragraph (5) of subdivision ~~(b)~~ (c), shall receive a certificate or  
12 certificates of completion from the commission upon submitting  
13 an application, a staff development verification form to be  
14 furnished by the commission, and payment of a fee to be set by  
15 the commission, not to exceed forty-five dollars (\$45).

16 (3) A person who is enrolled in, or who has completed a staff  
17 development program not approved by the commission prior to  
18 January 1, 2002, may, until the date of January 1, 2003, apply to  
19 any of the following agencies for the certificate or certificates,  
20 but the teacher shall be issued the certificate or certificates by  
21 only one of these agencies:

22 (A) The school district in which the teacher is a permanent  
23 employee.

24 (B) The county office of education in the county in which the  
25 teacher is an employee for an agency specified in ~~paragraph (1)~~  
26 ~~of subdivision (a)~~.

27 (C) Any school district or county office of education that  
28 provides staff development pursuant to subdivision ~~(e)~~ (d).  
29 Before issuing a certificate or certificates based on an equivalent  
30 class or classes, as provided for in subdivision ~~(e)~~ (d), the issuing  
31 agency shall determine if the class or classes meet the guidelines  
32 established pursuant to subdivision ~~(b)~~ (c).

33 (4) Any school district or county office of education that  
34 issues a certificate of completion shall forward a copy of the  
35 certificate to the Commission on Teacher Credentialing within 90  
36 days of issuing the certificate.

37 (5) An agency that issues a certificate or certificates of  
38 completion may charge the teacher requesting the certificate or  
39 certificates of completion a fee that will cover the actual costs of  
40 the agency in issuing, forwarding a copy to the commission, and

1 paying any fee charged by the commission for receiving and  
2 servicing, the certificate or certificates of completion.

3 The commission may charge the agency that forwards a copy  
4 of a certificate or certificates of completion a one-time fee to  
5 cover the actual costs to the commission to file the copy or  
6 copies, and to issue duplicates when requested by the teacher.  
7 The fee shall not exceed an amount equal to one-half the fee the  
8 commission charges for issuing a credential.

9 ~~(g)~~

10 (h) The certificate of completion is valid in all California  
11 public schools. A teacher who has been issued a certificate of  
12 completion may be assigned indefinitely to provide the  
13 instructional services named on the certificate in any school  
14 district, county office of education, or school administered under  
15 the authority of the Superintendent of Public Instruction.

16 ~~(h)~~

17 (i) Teacher assignments made in accordance with subdivision  
18 (a) ~~of this section~~ shall be included in the reports required by  
19 subdivisions (a) and (e) of Section 44258.9.

20 ~~(i)~~

21 (j) The governing board of each school district shall make  
22 reasonable efforts to provide limited-English-proficient pupils in  
23 need of English language development instruction with teachers  
24 who hold appropriate credentials, language development  
25 specialist certificates, or cross-cultural language and academic  
26 development certificates that authorize English language  
27 development instruction. However, any teacher awarded a  
28 certificate or certificates of completion shall be deemed  
29 certificated and competent to provide the services listed on that  
30 certificate of completion. A teacher who completes staff  
31 development pursuant to this section may use those hours of staff  
32 development to meet the requirements of subdivision (b) of  
33 Section 44277.

34 ~~(j)~~

35 (k) Any teacher completing staff development pursuant to this  
36 section shall be credited with three semester units or four quarter  
37 units for each block of 45 hours of staff development completed  
38 for the purpose of meeting the requirements set forth in  
39 subdivision (b) of Section 44253.3.

40 ~~(k)~~

- 1     *(l)* Any school district may use funds allocated to it for the
- 2     purposes of Chapter 3.1 (commencing with Section 44681) to
- 3     provide staff development pursuant to this section.